



Research Paper

Describing the evolution of three features of China's drug policy: Regulation, crime and punishment, and rehabilitation

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ABSTRACT

In view of evolving problematic drug use patterns and shifts in social governance, China's drug control efforts have undergone significant changes over the past few decades. The aim of this paper is to describe the evolution of three features of China's drug policy. First, although still operating within a reactive framework, the legislative basis for drug control is progressively improving and exhibits shifts towards greater precision and responsiveness, especially with reference to New Psychoactive Substances. Second, the scope of drug crimes under criminal law has broadened, accompanied by a trend toward harsher sentencing. This trend signifies the punitive and deterrent objectives in addressing drug crimes. Third, despite notable improvements, the current rehabilitation system remains focused on containment and control, with punitive undertones. These features exhibit a high degree of overlap and are shaped by shared underlying logics. While these transformations have been influenced by historical, political and international circumstances and environments, the principle of prohibition remains deeply rooted in the policy.

Introduction

The United Nations Office on Drugs and Crime (2024b) estimated that approximately 292 million people globally used drugs in 2022, reflecting a 20 % increase over the past decade. Drug use disorder has become a major public health issue globally (Degenhardt et al., 2018; Pan et al., 2020; United Nations Office on Drugs & Crime, 2020; Whiteford et al., 2015). Similarly, China is confronted with a progressively complex drug problem (The Academy Research Group of Zhejiang Police College & Zhou, 2024). Two key trends are revealed by China's *Drug Situation Reports*: (1) the use of new psychoactive substances (NPS) (synthetic cannabinoids, etomidate, and others) continues to increase, along with a shift in the structure of drug use;¹ (2) an increasingly severe situation regarding drug crime, characterized by the rise of transnational organized drug trafficking and the diversification of criminal methods.

Historically, China was severely impacted by opium consumption. By

the 19th century, opium consumption had spread to nearly all social strata (Spence, 1975). Statistical records from 1837 indicate that approximately 3021,060 kg of opium entered China, valued at roughly 386,695,680 taels of silver.² This suggests that over 10 million people may have been using opium at that time (Liu, 1985). Further research by Zheng (2005) reveals that, between 1929 and 1933, 74 % of poppy crops were sold, compared with only 15 % of rice harvests. This trend escalated until 1949, when more than 1 million hectares were cultivated in China, and about 300,000 people were involved in its production and trafficking. It is estimated that about 20 million people used opium (5 % of the country's population at the time) (Office of National Narcotics Control Commission, 1999).

Following the establishment of the People's Republic of China in 1949, the government implemented a stringent drug policy. Since that time, China's drug control efforts can be divided into two major campaigns. The first campaign (1950–1952) focused on banning the cultivation of drug-producing plants, dismantling trafficking networks, and

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¹ Prior to 2014, the prevalence of opiate use (such as heroin) was higher than that of opioids (synthetic drugs, represented by substances like methamphetamine and ketamine). However, since 2014, the proportion of opioid use has surpassed that of opiates. This analysis is based on the China Drug Situation Report from 2014 to 2023, which can be consulted at <http://www.nncc626.com/gjldb/bg.htm>.

² Based on the United States' adjustment of the gold content of the dollar in 1834, which established a 16:1 ratio between silver and gold, this translates to approximately 902,772,057.7 grams of gold.

registering people who use drugs for rehabilitation. Chinese drug control authorities enforced strict penalties on major drug traffickers while simultaneously adopting more lenient policies toward people who use drugs. These lenient measures included exemption from penalties for people who use drugs participating in the registration program, and the provision of discounted or free rehabilitation services (Liu, 2014a; Qi & Hu, 2004). These measures mitigated potential conflicts between the government and people who use drugs while fostering their engagement in rehabilitation. The Chinese government has claimed that this campaign nearly eradicated the drug problem and maintained a “drug-free” status for nearly 30 years (State Council Information Office of the People's Republic of China, 2000). However, this assertion remains unsubstantiated due to the lack of robust epidemiological evidence (Tang et al., 2006).

After the reform and opening-up,³ China was unable to maintain its status as a “drug-free” country, and the domestic drug issue progressively intensified in both complexity and severity. This deterioration stemmed from a confluence of factors, including internal political upheavals, geographical proximity to major drug-producing regions, inadequacies in drug policies and enforcement capacity, and the broader impact of globalization (Swanström & Yin, 2006).

Prior to 1978, while the Chinese Communist Party focused on internal class antagonism, it simultaneously neglected efforts in drug control, including policies, legislation, and enforcement mechanisms. The reform era's relaxation of border controls in China inadvertently created opportunities for the proliferation of drug trafficking (Qi & Hu, 2004).

Geographically, China's southwestern and northwestern regions, situated in close proximity to major drug-production areas—the Golden Triangle (encompassing Laos, Myanmar, and Thailand) and the Golden Crescent (spanning Afghanistan, Pakistan, and Iran)—transformed China into a critical transit hub for drug trafficking and a significant consumer market (Swanström & Yin, 2006). The drug production in the Golden Triangle is considered to have accounted for a significant portion of global drug supply across the 1970s–1990s (International Crisis Group, 2022; Sen, 1991). During this period, traffickers established new smuggling routes through China's southwestern borders. Data from 1999 show that Chinese authorities seized 3.5 tons of heroin in 60 cases, each involving over 10,000 g, all originating from the Golden Triangle (Qi & Hu, 2004). The Golden Crescent also became a significant source, producing 4600 tons of opium in 1999, accounting for 75 % of global production (Liu, 2014c). The impact of Afghanistan and its neighboring drug-producing regions on the supply of narcotics in China steadily increased (United Nations Office on Drugs & Crime, 2010). By the early 2000s, it was estimated that drugs originating from Afghanistan accounted for 20–35 % of the illicit drug volume in China (Swanström & Yin, 2006).

Meanwhile, China's rising GDP has enhanced Chinese nationals' purchasing power with respect to drugs.⁴ This is supported by a multiplier increase in the number of registered people who use drugs (see Table 1). In response to the intensifying drug problems and the concomitant public health issues, the second drug control campaign, which commenced in the 1980s, has remained ongoing to the present day.

In the second drug control campaign, China aligns its drug control framework with a “zero tolerance” drug policy, the latter deeply rooted in the principle of prohibition, prompting changes in the policy's specific features accordingly. In order to more concretely characterize the

Table 1

Statistics on registered people who use drugs in China and Worldwide^a.

Year	Registered people who use drugs in China (million)	Percentage of the country's population	People who use drugs worldwide (million) ^b
2023	0.896	0.064 %	NA
2022	1.124	0.080 %	292
2021	1.486	0.105 %	296
2020	1.801	0.127 %	284
2019	2.148	0.152 %	275
2018	2.404	0.170 %	269
2017	2.553	0.182 %	271
2016	2.505	0.179 %	275
2015	2.345	0.168 %	250
2014	2.955	0.216 %	250
2013	2.475	0.182 %	246
2012	1.272	0.094 %	243
2011	1.794	0.133 %	240
2010	1.545	0.115 %	167–315
2005	1.16	0.089 %	200
2000	0.86	0.068 %	180
1995	0.52	0.042 %	NA
1990	0.07	0.006 %	NA

^a The data are sourced from National Data provided by the National Bureau of Statistics, retrieved from <https://data.stats.gov.cn/easyquery.htm?cn=C01>, and Drug Control Reports and Drug Situation Reports in China, both published by the NNCC, retrieved from <http://www.nncc626.com/zw.htm?page=gjdb>.

^b The data are based on previous World Drug Reports. The 2000 statistics cover the population aged 15 and above, while the statistics after 2000 focus on the population aged 15–64 who have used an illicit drug.

evolution of China's drug policy, this paper selects three of its main features, namely, respectively the evolution of China's drug regulation, drug crime and punishment, and drug rehabilitation.

Drug regulation: shifts toward precision and responsiveness

Since 1978, China's drug regulation system has undergone a profound evolution, transitioning from an initially fragmented legal framework and dispersed enforcement mechanisms to a more systematic and standardized regulatory model (Qi & Hu, 2020a). Throughout this transformation, four key dimensions—legislation, coverage, refinement, and timeliness—reflect the trajectory of drug regulation development. This trajectory has improved the effectiveness and operability of drug regulation, but, as we will see below, also exposed its *es post-facto* nature in responding to emerging drug issues, international drug control cooperation, and evolving social governance demands (Xie, 2012).

Prior to 1978, China had not established a dedicated legal framework for drug regulation, being primarily reliant on ad hoc administrative directives issued by the central government (Qi & Hu, 2020a). This regulatory model, lacking a statutory foundation, underscores both the limited policy instruments available at the time and the delayed implementation of regulatory measures. Moreover, it reflects the broader sociopolitical context in which drug issues were not prioritized within the governance agenda. As class antagonism gradually diminished in political discourse, China began to recognize the emerging risks of drug problems, prompting the development of a formalized drug regulatory framework (Qi & Hu, 2020b).

In 1978, the Third Plenary Session of the 11th Central Committee of the Communist Party, explicitly prioritized legislative work (Central Party Literature Research Office, 1997). This indicates that China's drug control was beginning to transition towards a phase of legislation. Building on this foundation, the *Pharmaceutical Administration Law* was

³ The “reform and opening-up” policy refers to a series of economic reform measures initiated under Deng Xiaoping. Beginning in 1978, these reforms introduced new economic policies domestically and promoted open political engagement and economic trade with foreign countries.

⁴ According to national statistical data, China's per capita GDP increased from 385 CNY in 1978 to 89,358 CNY in 2023, reflecting a 232-fold increase.

enacted in 1984. As the first statute-level law for drug regulation,⁵ it distinguished between narcotic drugs and psychotropic substances in accordance with the classification standards set by international drug control conventions. To further refine the management of these substances, the State Council issued the *Measures for the Administration of Narcotic Drugs* in 1987 and the *Measures for the Administration of Psychotropic Substances* in 1988 (Chu, 2024), assigning regulatory responsibilities to the Ministry of Health and the State Pharmaceutical Administration. In order to strengthen drug control efforts, the National Narcotics Control Commission (NNCC) was established in 1990, as the central agency responsible for overseeing and coordinating national drug control efforts (National Narcotics Control Commission, 2000).

In the 21st century, China's drug legislation underwent further refinement, introducing categorized supervision mechanisms for controlled substances (Yang, 2021). The State Council issued the *Regulations on the Control of Narcotic Drugs and Psychotropic Substances* in 2005 and the *Regulations on the Control of Non-medical Narcotic Drugs and Psychotropic Substances* in 2015. Additionally, to address the cross-border trafficking and misuse of precursor chemicals, the State Council introduced the *Regulations on the Administration of Precursor Chemicals* in 2005. This was followed by the issuance of the *Measures for the Licensing for Production and Operation of Non-pharmaceutical Precursor Chemicals* in 2006 and the *Measures for the Administration of Pharmaceutical Precursor Chemicals* in 2010. This approach allows for differentiated regulatory mechanisms that, on the one hand, prevent excessive restrictions from hindering medical and scientific research and, on the other, mitigate the risk of non-medicinal substances being illicitly used as addictive substances (Chen et al., 2021).

China's drug regulation legal framework has evolved into a three-tiered juridical hierarchy: the first tier is anchored by the *Pharmaceutical Administration Law*, serving as the legal foundation; the second tier comprises administrative regulations governing narcotic drugs, psychotropic substances, and precursor chemicals; and the third tier consists of departmental regulations that further classify controlled substances into pharmaceutical and non-pharmaceutical categories. While this legal framework reflects legal refinements, its implementation has revealed several challenges. The institutional structure and functional division of regulatory bodies illustrate these issues; despite the NNCC coordinating efforts among over 40 departments under the State Council, the multi-agency governance model has led to inefficiencies in policy enforcement (Zheng, 2012).

With the legislation and refinement of the drug regulation framework, the coverage of controlled substance lists has been progressively expanded to strengthen the timeliness of regulatory responses. As traditional opiate-based substances have declined and advancements in modern synthetic chemistry have accelerated, the proliferation of novel synthetic drugs has surged, necessitating the continuous expansion of regulatory coverage (Sajwani, 2023; Schifano et al., 2023). Early regulations were primarily focused on traditional narcotics such as opium and heroin. Over time, regulatory oversight was gradually expanded to include chemical precursors and NPS. Additionally, the number of controlled substances has increased significantly. Data indicates that the *Rules for the Administration of Narcotic Drugs* (1979) initially covered only 31 substances across 11 categories. By July 2024, the controlled substances list had, through continuous adjustments, been expanded to encompass 509 specific substances, including 123 narcotic drugs, 166 psychotropic substances, and 220 non-medical controlled substances. Furthermore, all fentanyl-related substances and all synthetic cannabinoids-related substances have been scheduled (China Narcotics Control Daily, 2024). Compared with 1979, the regulatory scope has

been expanded 15.4 times, with an average annual growth rate of 10.6 %.

Although the expansion of regulatory coverage underscores the Chinese government's firm commitment to drug control, a closer examination of the scheduling mechanisms reveals that this regulatory model is characterized by a distinctly reactive approach (Xie, 2012). Firstly, the expansion of regulatory coverage has not entirely mitigated the risk of NPS. Through Structure-Activity Relationship analysis, which investigates how subtle alterations in chemical structure influence specific biological actions, drug producers can exploit minor structural modifications in NPS to evade existing regulatory controls, thereby potentially circumventing legal restrictions (Baumann et al., 2017; Jacob & Shulgin, 1994). Studies indicate that globally, approximately 50 to 80 new NPS are identified each year, suggesting an average emergence cycle of merely a few weeks to months (United Nations Office on Drugs & Crime, 2024a). Although the *Supplementary List of the Control of Non-medical Narcotic Drugs and Psychotropic Substances* (2015) introduced a temporary control mechanism,⁶ the statutory procedure, from initiating expert risk assessments to forming formal control recommendations, requires maximum 9 months. Further analysis reveals a significant lag effect ($\Delta_t = 7.2\text{--}8.8$ months) between the average monthly iteration rate of NPS chemical structures (4.17–6.67 species/month) and the regulatory list update cycle (9 months per update). This inherent regulatory lag reinforces a structurally reactive enforcement model rather than a proactive risk-monitoring framework.

Recent monitoring of the international substances market shows that China is becoming a major source of NPS and precursor chemicals (Copeland et al., 2022; United Nations Office on Drugs & Crime, 2018). In this context, China's drug regulatory system not only faces the increasingly complex challenge of synthetic drug governance domestically but also contends with multiple political pressures from the international community. The influence of these pressures is particularly evident in the legislative process of the *Regulations on the Control of Non-medical Narcotic Drugs and Psychotropic Substances* (2015). A temporal analysis of the legislation reveals that its promulgation is closely linked to critical milestones in China-U.S. drug control cooperation. Specifically, its release date (September 24, 2015) falls just one week after the closure of the Sixth China-U.S. Drug Control Intelligence Exchange Meeting (September 17, 2015) (Central People's Government of the People's Republic of China, 2015). Furthermore, adjustments to the controlled substances list reveal the legislative intent to be driven by political objectives. For example, in 2019 and 2021, all fentanyl-related substances and all synthetic cannabinoids-related substances were added to the *Supplementary List of the Control of Non-medical Narcotic and Psychotropic Substances* (2015).

As of 2023, only five pharmaceutical companies in China were licensed to produce fentanyl (Liu, 2024). This measure has, to some extent, reduced the global share of illegal substances exported from China. Meanwhile, global fentanyl production declined from 2019 to 2022 (International Narcotics Control Board, 2024). This trend may partially reflect the positive impact of China's comprehensive regulatory measures since 2019. However, the asymmetrical effects of supply-side regulation have become evident in the evolution of the transnational drug market. According to data from the U.S. National Institute on Drug Abuse (2024), fentanyl use disorders has worsened in the United States, with overdose deaths increasing from 18,335 in 2016 (28.8 % of all overdoses) to 73,838 in 2022 (68.4 %). This paradox of policy intervention coinciding with a deepening crisis highlights the typical mechanism of geographical displacement: There is speculation that fentanyl from other regions, such as India and Mexico, has filled the market gap

⁵ The legal hierarchy in China follows a descending order of efficacy, with the Constitution serving as the fundamental law of the state: (1) Constitution; (2) Statutes; (3) Administrative regulations; (4) Departmental regulations; (5) Local regulations; (6) Judicial interpretations.

⁶ The regulation mandates a maximum nine-month process for scheduling non-medical narcotic and psychotropic substances, including a three-month expert risk assessment and a six-month review by the State Council's public security authority. In urgent cases, the process can be expedited.

created by China’s stricter regulations (Drug Enforcement Administration, 2020; Wang et al., 2022). Such “balloon effects” essentially represent the adaptive restructuring of the drug market in response to unilateral regulatory policies (Barrett, 2010; United Nations Office on Drugs & Crime, 2008). This highlights the limitations of regulatory measures in addressing wider drug issues due to politicization-driven regulatory approaches and insufficient global cooperation.

Crimes and punishment: punitive measures as a deterrence

The Communist Party of China has maintained a stringent penal policy, albeit with adjustments in response to shifting social and political contexts (Wang, 2005). Early evidence of this approach can be observed during the first drug control campaign, during which national courts adjudicated 220,000 drug cases, resulting in over 80,000 convictions for narcotics production and trafficking, with approximately 800 offenders sentenced to death (Su & Zhao, 1998, p. 371). As the drug situation deteriorated during the second drug control campaign, the Communist Party of China introduced harsher criminal penalties for drug offenses by broadening the classification of drug crimes, and intensifying punitive measures, including the expanded application of severe sentencing and capital punishment (Su, 2022).

Before 1978, China lacked a well-structured criminal legal framework to address drug crimes, relying instead on regulations and measures developed by various government departments (Wu, 2023). The *Criminal Law* (1979) marked the first formal codification of drug crimes within China’s penal framework, establishing statutory provisions—albeit in a concise form—for punishing drugs manufacturing and trafficking.⁷ It represented a foundational step in incorporating criminal sanctions into China’s drug control efforts. Subsequent legislative measures, such as the *Decision on Severely Punishing Criminals Who Seriously Undermine the Economy* (1982) and the *Supplementary Provisions on Punishing the Crime of Smuggling* (1988), further extended the application of life imprisonment and the death penalty to encompass drug smuggling crimes (Hu, 2009). As a special law dealing with drug problems, the *Decision on Drug Control* (1990) further expanded the definitions of drugs and criminalized activities across the supply chain, reinforcing the state’s intensifying punitive approach to drug control (Liao, 2022).

The criminal framework prior to 1997 was characterized by legislative fragmentation, with various statutes addressing drug crimes inconsistently. Judicial practices often faced challenges in aligning sentencing practices, leading to discrepancies that undermined legal coherence (Hu, 2009). However, the *Criminal Law* (1997), does contain a dedicated chapter on sentencing guidelines and penalties for drug crimes. Following the enactment of the *Criminal Law* (1997), prior legislative provisions addressing drug crimes were either repealed or incorporated into the unified legal framework. After 12 amendments, the current criminal law framework operationalizes criminality across total chains of activities, through penal provisions targeting both core drug crimes and ancillary criminal activities.

In contrast to earlier drug crime legislation, the current criminal law system concerning drug crimes and penalties exhibits the following three key features: *First, expansion of types of drug crimes:* The *Criminal Law* (1997) dedicates 13 articles to drug crimes, covering activities such as precursor chemical control, drug manufacturing, transportation, and trafficking. While drug use is not criminalized, possession exceeding legal thresholds is considered a crime (see Table 2). *Second, increased severity of punishment for drug crimes:* Severe penalties are imposed for particularly serious drug offenses, repeat violations, and recidivism

Table 2
Drug crimes in the *criminal law* (1997).

Current provisions in the Criminal Law regarding drug crimes		
Crimes related to controlled precursor chemicals and drug precursor plants	Article 350	Crimes of Illegal Production, Sale, Transport of Precursor Chemicals, and Smuggling of Precursor Chemicals
	Article 351	Crime of Illegal Cultivation of Drug Plants
	Article 352	Crimes of Illegal Purchase, Transport, Carrying, and Possession of Seeds and Seedlings of Drug Plants
Crimes related to smuggling, trafficking, transportation, and manufacturing stages	Article 347	Crimes of Smuggling, Trafficking, Transporting, and Manufacturing Drugs
Crimes related to possession and personal use of drugs	Article 348	Crime of Illegal Possession of Drugs
	Article 353(1)	Crimes of Inducing, Instigating, or Deceiving Others to Use Drugs
	Article 353(2)	Crime of Forcing Others to Use Drugs
	Article 354	Crime of Allowing Others to Use Drugs
	Article 355	Crime of Illegally Providing Narcotic Drugs or Psychotropic Drugs
	Article 356	Crime of Hindering the Management of Stimulants
	Article 349(1)	Crime of Harboring Drug Criminals
Accomplice to drug crimes	Article 349(2)	Crimes of Harboring, Transferring, or Concealing Drugs or Drug Proceeds
	Article 191	Crime of Money Laundering (funds are the illegal proceeds of drug crimes)
Other crimes related to drugs	Article 287	Crime of Illegally Using Information Networks (using information networks to publish illegal information related to the production or sale of drugs)

(Liao, 2022). The Chinese authorities prioritize combating drug syndicates and international trafficking, with principal members facing punishments such as life imprisonment or the death penalty. *Third, legislative response to emerging criminal methods:* To address these new forms of drug crimes, Article 287 stipulates that serious crimes involving the dissemination of information on the production and sale of drugs by networks shall be subject to criminal penalties (Chen, 2023; Wu & Zhang, 2023).

Despite the continuous refinement of the criminal legal framework concerning drugs, the punitive logic remains deeply embedded within both the legislative system and the criminal sanctioning mechanisms. From a legislative perspective, between 1997 and 2021, drug sentencing predominantly relied on the total weight, with limited consideration of drug purity. The *Sentencing Guideline* (2016) stipulated that sentencing should be generally based on the verified quantity of drugs, irrespective of purity (Supreme People’s Court of China, 2016). This approach could result in equivalent sentences for drugs of the same weight but varying purity levels, despite differences in market value and societal harm (Kallam, 1991; Li et al., 2023). Chinese judicial authorities have acknowledged the limitations of the weight-based approach. The *Guiding Opinions on Sentencing for Common Crimes* (2021) and the *National Court Drug Case Adjudication Work Conference Summary* (2023) stress the importance of considering drug purity alongside weight. Despite the presence of these innovative judicial documents, the *Criminal Law*, as the higher level law, continues to maintain the provision that conviction is based solely on the weight of the drug. This approach reflects the legislator’s emphasizing the specificity of drug crimes (i.e., their inherent connection to drugs), while neglecting their alignment with general

⁷ Since the establishment of the People’s Republic of China, two editions of the Criminal Law have been promulgated: the 1979 edition (now obsolete) and the 1997 edition (currently in effect, having undergone 12 amendments to date).

crime frameworks, thereby producing significant disparities in sentencing outcomes.

From a practical standpoint, the sentencing trends for drug crimes in China exhibit an excessively high rate of severe penalties, which serves as a significant indicator of the punitive measures in place. In 2023, a total of 10,972 individuals were sentenced to prison terms of five years or more in first-instance drug cases, representing 22.12 % of all drug sentences—approximately 14 % higher than the rate for all criminal cases in the same period (Supreme People's Court of China, 2023). In addition to inherent legislative factors, this disparity in sentencing also reflects the criminal justice system's distinctive punitive stance towards drug crimes. The retention of the death penalty for drug crimes is another manifestation of punitive measures. Despite growing international opposition, China remains one of the few countries that enforce the death penalty for drug crimes (Girelli, Jofré & Larasati, 2024), contradicting the United Nations' call for a moratorium on such executions (United Nations General Assembly, 2020).

China's persistent reliance on punitive strategies in legislation and punishment of drug crime not only raises concerns about their effectiveness in crime reduction but also suggests a deeper political rationale. Although these measures are intended to deter drug crimes, their long-term effectiveness remains uncertain. Criminological research indicates that while punitive measures may temporarily enhance general deterrence, they often fail to achieve specific deterrence (Lenton, 2005). Stringent punitive measures may temporarily deter drug offenses, leading to a short-term decline. However, in the long run, their effectiveness is uncertain, as adaptive criminal strategies may emerge, potentially fueling a resurgence of drug activities and exposing the limitations of deterrence-based approaches (Guo, 2015; Mo & Ren, 2015).

Previous research has suggested that punitive measures reveal a deeper ideological structure, wherein the state utilizes the criminal justice system as a tool for reinforcing ideological control (Edman, 2013). A closer examination of China's criminal justice system in relation to drug policies and drug control propaganda reveals that drug control is framed as a public security issue in official discourse, while criminal justice is also constructed as a key arena for ideological struggle. Analysis of *People's Daily* (人民日报) indicates that official media have long employed rhetorical strategies to legitimize the drug control campaign as a "people's war," intertwining policy implementation with political ideology, national security, and international relations (Liang & Lu, 2013; Tang & He, 2021). Within this government-shaped narrative of drug crime, judicial authorities implement stringent punitive measures in response to public concerns about drug issues, thereby reinforcing the legitimacy and authority of state governance (Zhou, 1999). In this context, the classification of drug offenses as "the most serious crimes" not only justifies harsh legal responses, but also furthers broader ideological control objectives, aligning criminal justice with state governance strategies (Miao, 2017).

Drug rehabilitation: from early system to four-modes system

In China, drug use is classified as an administrative offense rather than a criminal act, a principle rooted in the *Criminal Law* (1979) and the *Regulation on Administrative Penalties for Public Security* (1986). The former established the principle of the decriminalization of drug use, while the latter designated it as an administrative violation, incorporating detention and fines as administrative sanctions (Liu, 2014b).

Amid a surge in drug consumption, the Chinese government initiated rehabilitation measures in the early 1980s. The *Notification on the Prohibition of Opium and Narcotics* (1981) and the *Urgent Directive on the Prohibition of Opium and Narcotics* (1982) initially introduced compulsory rehabilitation, stipulating that individuals who failed to register or abstain from drug use within a prescribed period would be subjected to compulsory rehabilitation and punitive measures (Zhang, 2012). However, these early efforts were rudimentary, prioritizing containment

over rehabilitation due to legislative and practical constraints.

A pivotal shift occurred with the *Decisions on Drug Control* (1990), marking the formalization of China's rehabilitation system. The early phase (1990–2008) followed a punitive model, centering on compulsory rehabilitation and re-education through labor (*laojiao*), with incapacitation as the primary goal rather than genuine rehabilitation (Tibke, 2017). The abolition of re-education through labor and the enactment of the *Drug Control Law* (2008) signified a transition toward a community-based approach. Since 2009, rehabilitation policies have increasingly integrated social support and rehabilitative interventions (Ren & Feng, 2024).

The early drug rehabilitation system

The early drug rehabilitation system comprised three models: voluntary drug rehabilitation, compulsory drug rehabilitation, and re-education through labor drug rehabilitation (hereafter referred to as labor-based rehabilitation). Although voluntary drug rehabilitation was the least punitive option, the absence of formal guidelines, coupled with profit-driven motives of many rehabilitation facilities, severely undermined its effectiveness (Yao, 2002). One study indicated that the relapse rate among participants in voluntary drug rehabilitation in Beijing between 1992 and 1997 exceeded 80 %, thereby highlighting the inefficiency of this system (Yang et al., 1999).

In contrast, compulsory drug rehabilitation had a more punitive nature. The *Regulations on Compulsory Drug Rehabilitation* (1995) mandated government-led rehabilitation measures for individuals with drug use disorders, with a maximum duration of one year. Labor-based rehabilitation, as an extension of compulsory drug rehabilitation, imposed additional labor reform on individuals who had undergone compulsory drug rehabilitation but subsequently relapsed (Yao, 2002).

Although official reports claimed that labor reform aimed to develop vocational skills and reconstruct values of people who use drugs, critics argued that it violated personal freedoms, hindered social reintegration, and failed to prevent relapse (Chen & Chen, 2005). A survey of the Shanghai Drug Rehabilitation Center from 1997 to 1999 supported this statement, showing a relapse rate of labor-based rehabilitation of 95.6 % (Yin et al., 2001).

Beyond its ineffectiveness, labor-based rehabilitation also faced criticisms in terms of scientific rehabilitation and legal considerations. An empirical study conducted by the Zengcheng Re-education Through Labor Center Subject Group (2006) revealed that the significant societal acceptance challenges faced by individuals undergoing labor-based rehabilitation, combined with the lasting effects of substance use, resulted in their continued suboptimal physical and psychological conditions. As an institution prioritizing labor, it lacked the capacity to provide evidence-based pharmacological or psychological treatments (Zhang et al., 2013). Furthermore, its functions conflicted with China's *Administrative Penalty Law* and *Legislation Law*, both of which prohibit double punishment and restrict extrajudicial deprivation of personal liberty (Hu, 2023). These fundamental contradictions ultimately contributed to the abolition of labor-based rehabilitation.⁸

The current drug rehabilitation system

With the recognition of the failures of the early system—including high relapse rates, legal ambiguities, and the inability to address evolving drug challenges—reforms were implemented under the *Drug Control Law* (2008). The revised framework introduced four models: voluntary drug rehabilitation; community-based drug rehabilitation;

⁸ The 2008 *Drug control Law* stipulated only four legally recognized rehabilitation measures. However, labor-based rehabilitation was not fully abolished until 2013, following the official termination of the re-education through labor system.

isolated compulsory drug rehabilitation; and community-based recovery—each model depending on the intensity of a person's drug use disorder.

Restructured voluntary drug rehabilitation seeks to encourage voluntary participation by exempting individuals from administrative penalties, and the *Regulations on Drug Rehabilitation* mandates standardized operational procedures to enhance rehabilitation outcomes (Bao, 2024). Community-based drug rehabilitation, drawing on Western community rehabilitation models, while integrating China's "mass line" ideology, leverages social networks and community resources to facilitate rehabilitation without severing individuals from society (Li, 2013). Under this framework, participants need to sign agreements with local organizations, committing to regular drug testing and rehabilitation programs over a three-year period.

Isolated compulsory drug rehabilitation, which combines elements of both early compulsory drug rehabilitation and labor-based rehabilitation, applies to individuals who relapse after undergoing community-based drug rehabilitation (Huang, 2008). During the two-year rehabilitation period, participants undergo rehabilitation in succession at rehabilitation centers run by police authorities and judicial administrative institutions. It is exemplified by the "3–3–6" model developed by the Guangdong Judicial Administrative Drug Rehabilitation Institution (Tang, 2017).⁹ Established through interdisciplinary collaboration with experts in sociology, pharmacology, and psychology, this approach aims to address the complex needs of participants. According to Tang (2017), it has been shown to reduce disciplinary infractions and medical service demands while improving mental health.

As a follow-up rehabilitation model affiliated with isolated compulsory drug rehabilitation, a three-year community-based recovery is designed to reinforce long-term reintegration. This approach incorporates philosophical ideas of social bonds and social control, theoretically helping participants to rely on community support for comprehensive rehabilitation, ultimately reintegrating into society. It is supported by empirical research demonstrating that community-based programs improve mental and physical well-being while reducing relapse rates (Lin & Zhou, 2020; Wu et al., 2021).

Within the rehabilitation system, intervention strategies are primarily structured around three core components: treatment, recovery, and rehabilitation. Various rehabilitation centers and community-based rehabilitation institutions operate within legally defined parameters to implement targeted intervention measures based on the severity of drug use disorders and individual needs (Liu, 2014b).

Specifically, treatment primarily relies on medications to facilitate short-term physiological detoxification, while psychological interventions and behavioral therapy support sustained recovery and alleviate withdrawal-induced psychological distress. Common treatment methods include methadone maintenance therapy, Chinese herbal detoxification, buprenorphine, clonidine, Jitai tablets, acupuncture therapy, and psychological counseling (Cui et al., 2008; Li et al., 2010; Rong et al., 2016; Ruan et al., 2024; Sullivan & Wu, 2007; Zhao et al., 2011; Zhong et al., 2015).

In contrast, recovery places greater emphasis on non-medical social support mechanisms, aiming to assist individuals in reestablishing a drug-free lifestyle and reintegrating into society. In some community-based recovery programs, recovery serves as a crucial component, where government-employed social workers provide assistance, while

family and community networks are engaged to reinforce rehabilitation efforts (Chen et al., 2019). Additionally, community-based rehabilitation institutions may offer subsistence allowances, medical cost reductions or exemptions, and employment assistance to address socio-economic challenges linked to drug use disorders (Liu et al., 2018; Xiong & Jia, 2019; Zhang et al., 2017). With advancements in technology, digital interventions, such as smartphone applications supporting recovery, have also been introduced, expanding access to remote support and individualized rehabilitation management (Liang et al., 2018; Schulte et al., 2016).

Rehabilitation, as the ultimate goal and framework, integrates medical, psychological, and socio-governance strategies to coordinate physiological detoxification, psychological recovery, and social reintegration. By aligning these components, rehabilitation aims to improve the long-term effectiveness of intervention strategies and facilitate a structured transition from addiction treatment to sustained societal reintegration (Liu, 2014b).

Despite improvements in the new drug rehabilitation system, there remain concerns about the legitimacy and effectiveness of isolated compulsory drug rehabilitation. Due to the lack of systematic research evidence supporting the effectiveness of compulsory drug rehabilitation centers in reducing relapse, there has been a growing international call for the closure of such facilities (United Nations, 2012; Werb et al., 2016). Although the Office of National Narcotics Control Commission (2024) asserted that "the effectiveness of drug rehabilitation is increasingly evident," it lacks robust epidemiological statistical methodologies, necessitating a more cautious evaluation of these claims. Additionally, data from Shanghai's Drug Rehabilitation Bureau (2015–2018) showed relapse rates of 77.03 % within one year and 52.07 % within three years (People's Daily Online, 2020). These findings align with reports from the National Institute on Drug Abuse in the United States (2023), which estimate relapse rates for substance use disorders to range between 40 % and 60 %. These data suggest that isolated compulsory drug rehabilitation is not more effective than other similar rehabilitation methods in other countries. Without scientific evidence justifying the retention of isolated compulsory drug rehabilitation, it risks becoming an alternative form of detention or punishment that infringes on human rights.

Beyond concerns over effectiveness, rehabilitation systems centered on containment and control systematically neglect the protection of the rights of people who use drugs and impede their social reintegration (Huang, 2013). Extensive research has demonstrated that people who use drugs are subject to stigma and discrimination, which undermines their physical and mental well-being, rehabilitation effects, and employment prospects (Ahern et al., 2007; Lloyd, 2013; Muncan et al., 2020; Room, 2005; Young et al., 2005). In China, such stigma is particularly pronounced. People who use drugs face additional marginalization through registration policies that reinforce labeling effects. Once registered, they are placed under dynamic surveillance, which entails continuous monitoring, police tracking, and even mandatory drug testing (Biddulph, 2013; Li, 2018). Additionally, deeply entrenched sociocultural values portray people who use drugs as deviants, leading to systemic exclusion across familial, occupational, and institutional settings (Cheung et al., 2022; Deng et al., 2007; Luo et al., 2014).

Chinese drug rehabilitative authorities have yet to fully acknowledge the adverse implications of stigma and punitive measures. Its rehabilitation system remains security-driven, prioritizing incarceration, surveillance, and punishment (Jiang & Song, 2024). This policy orientation not only restricts the access of people who use drugs to harm reduction services and social reintegration programs but also reinforces societal biases, further hindering reintegration. More critically, people who use drugs develop a heightened fear of legal repercussions, discouraging them from seeking formal rehabilitation—an outcome that may drive drug use underground and increase related health risks.

⁹ The numbers refer to phases, categorizations, and methods. The "three phases" classify the detoxification process into three stages based on participants' physiological and psychological conditions and treatment progress. The "three categorizations" structure management, treatment, and responses according to participants' daily needs. The "six methods" comprise six treatment approaches that include medical treatment, behavioral correction, physiological rehabilitation, psychological adjustment, reintegration training, and extended support to address addiction comprehensively.

Limitation and discussion

This study has several limitations. First, due to the constraints imposed by epidemiological methodologies and the inherent challenges of accessing confidential data, the analysis predominantly relies on publicly available government reports. Notably, data prior to 1990 are often presented in a manner that reflects politically motivated narratives, such as the characterization of China as a “drug-free” nation, which necessitates a cautious and neutral interpretation. Second, due to space limitations, the examination of China’s drug policy is limited to three specific features, which makes it difficult to fully capture the complexity of the overall drug policy. These limitations underscore the necessity for further research and point toward a more comprehensive and nuanced analysis of the evolving landscape of drug control in China.

This study describes regulation, crime and punishment, and rehabilitation as distinct features of drug policy; however, all of them are shaped by the principle of prohibition, and collectively serve the objectives of punishment and control. This prohibition framework reflects the enduring influence of colonial-era opium crises, an authoritarian legal tradition, and a continued emphasis on social stability. Beyond being shaped by these factors, the evolution of China’s drug policy also reflects a broader shift toward control and punitive drug strategies.

Beyond reflecting China’s domestic drug policies, the country’s drug problem underscores broader global drug issues, wherein drug trafficking has transcended national boundaries to become a transnational phenomenon (Levine, 2003). The cryptomarket has expanded across physical borders, forming intricate and adaptive supply and consumption chains (Martin, 2014). Despite the implementation of stringent enforcement measures by various governments to suppress the drug trade, these efforts have largely failed to dismantle illicit drug economies, which remain highly resilient and adaptive (Babor et al., 2018; Stares, 1996). Sustained by significant economic incentives, transnational trafficking networks demonstrate remarkable flexibility, swiftly adjusting to supply chain disruptions by rerouting production and trafficking corridors, thereby perpetuating the cyclical nature of enforcement and adaptation (Bouchard, 2007; Werb et al., 2011).

The above-mentioned typical cases of the transnational circulation of fentanyl support this argument—the problem of controlled substances shows a significant trend of spreading transnationally, influencing processes of governance. When drug policymaking is driven by geopolitical imperatives, enforcement efforts become reactive (e.g., after the 2015 Sixth China-U.S. Drug Control Intelligence Exchange Meeting, as mentioned above). This form of symbolic governance, often manifested through legislative crackdowns and diplomatic initiatives, may serve to reinforce state legitimacy in the short term but remains structurally ineffective in the face of variables such as the resilience of global supply chains (e.g., the rapid substitution capacity of Indian and Mexican drug labs), and technological advancements like encrypted transactions on the Deep Web (Grimani et al., 2020; Orsolini et al., 2017).

Furthermore, the selective presentation of enforcement success—such as reductions in fentanyl exports from China—obscures the enduring forces that sustain illicit markets, including persistent demand and substantial financial incentives for supply (Telep et al., 2014). As a result, supply-side interventions, in the absence of demand-side strategies, function as political instruments of risk transfer rather than substantive solutions (Murphy, 1990).

Conclusion

China’s drug control efforts illustrate the broader challenges faced in global drug governance, where punitive enforcement has demonstrated short-term effectiveness but remains insufficient for long-term solutions (Guo, 2015; Mo & Ren, 2015). The reliance on strict legal measures has not only conflated drug control with broader mechanisms of social regulation, but has also constrained the adoption of public health-oriented approaches. As the global drug market continues to metastasize, Chinese authorities could consider enhancing their regulatory flexibility by integrating scientifically driven risk assessment mechanisms and strengthening international cooperation on cross-border trafficking and precursor chemical control. A more proportionate approach to sentencing, alongside targeted financial crime controls and preventive interventions, could mitigate the limitations of punitive enforcement (Langdale, 2021). Additionally, transitioning from compulsory rehabilitation measures to non-coercive, evidence-based treatment programs would better address the chronic nature of substance use disorders and the growing threat of synthetic drugs.

At the global level, the persistence of “enforcement-adaptation” cycles underscores the necessity for a fundamental recalibration of drug policy. The current global drug control trends, which have led countries to progressively intensify punitive measures as a means of demonstrating governance effectiveness, have contributed to a state of “control involution,” where increasingly stringent laws drive the evolution of more sophisticated illicit drug markets (Greenfield & Paoli, 2012; Levine, 2003; Paoli et al., 2009). A shift toward a pragmatic, depoliticized, and harm-reduction-oriented framework is essential to disrupt this cycle. Without such a transformation, the ideological rigidity of prohibition will not only sustain illicit drug economies, but also hinder the development of sustainable, evidence-based public health interventions (Drucker, 1999; Nadelmann, 1989). Orienting drug policy reforms toward legal modernization, dynamic regulatory approaches, and evidence-based rehabilitation strategies may contribute to a more balanced and effective framework for addressing drug challenges at both national and global levels (Babor et al., 2018; Ritter, 2022).

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CRedit authorship contribution statement

Yixuan Wang: Writing – review & editing, Writing – original draft, Methodology, Formal analysis, Conceptualization. **Jianhong Liu:** Writing – review & editing, Supervision, Funding acquisition, Conceptualization. **Hao Zhou:** Writing – review & editing, Data curation.

Declaration of competing interest

We declare no conflicts of interest, financial or otherwise.

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Appendix A. Legislations of Drug Regulation

Date	Legislation
1978	Provisions for the Administration of Narcotic Drugs 《麻醉药品管理条例》 (repealed)
1979	Rules for the Administration of Narcotic Drugs 《麻醉药品管理条例细则》 (repealed)
1984	Pharmaceutical Administration Law 《药品管理法》 (revised)
1987	Measures for the Administration of Narcotic Drugs 《麻醉药品管理办法》 (repealed)
1988	Measures for the Administration of Psychotropic Substances 《精神药品管理办法》 (repealed)
1989	Catalogue of Psychotropic Substances and Classifications 《精神药品品种及分类表》 (repealed)
1990	Decisions on Drug Control (1990) 《关于禁毒的决定》 (repealed)
1996	Catalogue of Narcotic Drugs 《麻醉药品品种目录》 (repealed)
1996	Catalogue of Psychotropic Substances 《精神药品品种目录》 (repealed)
2005	Regulation on the Control of Narcotic Drugs and Psychotropic Substances 《麻醉药品和精神药品管理条例》 (revised)
2005	Catalogue of Narcotic Drugs and Psychotropic Substances 《麻醉药品和精神药品品种目录》 (revised)
2005	Regulation on the Administration of Precursor Chemicals 《易制毒化学品管理条例》 (revised)
2006	Measures for the Licensing for Production and Operation of Non-pharmaceutical Precursor Chemicals 《非药品类易制毒化学品生产、经营许可办法》 (effective)
2010	Measures for the Administration of Pharmaceutical Precursor Chemicals 《药品类易制毒化学品管理办法》 (effective)
2014	Opinions on Strengthening Drug Control Efforts 《关于加强禁毒工作的意见》
2015	Regulations on the Control of Non-medical Narcotic Drugs and Psychotropic Substances 《非药用类麻醉药品和精神药品列管办法》 (revised)
2015	Supplementary List of the Control of Non-medical Narcotic Drugs and Psychotropic Substances 《非药用类麻醉药品和精神药品管制品种增补目录》 (Revised)

Appendix B. Legislations of Drug Crimes

Year	Legislation
1979	Criminal Law 《刑法》 (repealed)
1982	Decisions on Severely Punishing Criminals Who Seriously Undermine the Economy 《关于严惩严重破坏经济的罪犯的决定》 (repealed)
1988	Supplementary Provisions on Punishing the Crime of Smuggling 《关于惩治走私罪的补充规定》 (repealed)
1990	Decisions on Drug Control 《关于禁毒的决定》 (repealed)
1997	Criminal Law 《刑法》 (effective)
2021	Guiding Opinions on Sentencing for Common Crimes 《关于常见犯罪的量刑指导意见(试行)》 (effective)
2023	National Court Drug Case Adjudication Work Conference Summary 《全国法院毒品案件审判工作会议纪要》 (effective)

Appendix C. Drug rehabilitation systems and related legislation

The early drug rehabilitation system (1979–2008)	Voluntary drug rehabilitation (自愿戒毒) Compulsory drug rehabilitation (强制戒毒) Re-education through labor drug rehabilitation (劳教戒毒)
Related legislations (1979–2008)	Regulation on Administrative Penalties for Public Security (1986) 《治安管理处罚条例》 (repealed) Notification on the Prohibition of Opium and Narcotics (1981) 《关于重申严禁鸦片烟毒的通知》 (repealed) Urgent Directive on the Prohibition of Opium and Narcotics (1982) 《关于禁绝鸦片烟毒问题的紧急指示》 (repealed) Decisions on Drug Control (1990) 《关于禁毒的决定》 (repealed) Compulsory Drug Rehabilitation Ordinance (1995) 《强制戒毒条例》 (repealed) Administrative Penalty Law (1996) 《行政处罚法》 (revised) Legislation Law (2000) 《立法法》 (revised) Decision on Re-education Through Labor (1957) 《劳动教养办法》 (repealed)
The current drug rehabilitation system (2008-present)	Voluntary drug rehabilitation (自愿戒毒) Community-based drug rehabilitation (社区戒毒) Isolated compulsory drug rehabilitation (强制隔离戒毒) Community-based recovery (社区康复)
Related legislations (2008-present)	Drug Control Law (2008) 《禁毒法》 (effective) Regulations on Drug Rehabilitation (2011) 《戒毒条例》 (revised) Opinions on Establishing a Unified National Model for Judicial Administrative Drug Rehabilitation (2019) 《关于建立全国统一的司法行政戒毒工作基本模式的意见》 (effective)

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